

Application of: SHAH, Ankur et al.
Serial No.: 10/778,682
Filed: February 27, 2004
Reply to Office Action of January 9, 2008

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REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested.

Claims 1-6, 11-13, 17-19, 22, 24 and 29-36 are currently pending in the application. Claims 7-10, 14-16, 20, 21, 23, and 25-28 have been canceled, claims 1, 4, 12, 13, 17, 19 and 22 have been amended, and claims 29-36 have been added by the present amendment. The changes to the claims are supported by the originally filed specification and do not introduce any new matter. For example, support for the changes to claims 1, 12 and 22 can be found in originally filed claim 7. In addition, support for new claims 29 and 30 can be found in paragraph [0024] of the original specification (paragraph [0026] of the publication). Further, support for new claims 31-36 can be found in paragraph [0021] of the original specification (paragraph [0023] of the publication).

In the outstanding Office Action, claims 1-28 were rejected under 35 U.S.C. § 102(b)/103(a) as anticipated by or obvious U.S. Patent No. 7,173,910 (hereinafter "the '910 patent") either alone or in combination with another patent. As the independent claims have been amended to include limitations similar to that of claim 7, the patentability of the independent claims will be discussed herein with respect to the rejection of claim 7.

The Office Action asserts that col. 3, lines 33-34 of the '910 patent teaches sending an audio signal from the test dialer and that col. 6, lines 10-14 and col. 10, lines 10-11 teaches sending a test packet to said controller. However, independent claim 1 has been amended to recite "wherein said testing function is configured to receive a received version of a portion of a reference file from said test dialer and to send the received version of the portion of the reference file to said controller, said controller being configured to calculate said at least one quality based at least in part on a comparison of said received version of the portion of the reference file to an original version of the portion of the reference file" Since the Office Action does not allege that the packet sent to the controller is a packet received from the dialer, the Office Action has not proven that amended claim 1 is anticipated or rendered obvious by the teachings of the cited

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references. Accordingly claim 1 and its dependent claims are patentable over the applied references.

Moreover, in as much as the other independent claims recite similar limitations to the limitation discussed above with reference to claim 1, the other independent claims and their corresponding dependent claims are also patentable over the cited references.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

CHARGE STATEMENT: Deposit Account No. 501860, order no. 2655-0116.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

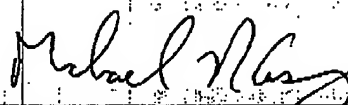
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

CUSTOMER NUMBER

42624

Respectfully submitted,

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